

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-203158

DATE: June 3, 1981

MATTER OF: Billington Motors & Armature Works

**DIGEST:**

1. Contracting officer's determination that offeror is financially capable is matter of responsibility which will not be reviewed by this Office absent circumstances not relevant here.
2. Issue of prime contractor's alleged indebtedness to subcontractor under subcontract is essentially dispute between two private parties which is not for resolution in bid protest to this Office.

Billington Motor & Armature Works (Billington) protests award of any future delivery orders under contract No. F04606-80-D-0058 between TAYKO Industries (TAYKO) and the McClellan Air Force Base (Air Force) and the award of a second contract to TAYKO under solicitation No. F05606-80-R-0274, issued by the Air Force.

Billington states it is a subcontractor which performs generator rewinding services for TAYKO. It alleges that it has not been paid for this work for over 8 months--the bill amounting to \$30,000. It further states that no issue has been raised concerning the adequacy of the work done. Billington contends that prior to further action on these procurements, the Air Force should determine TAYKO's ability to pay its debts.

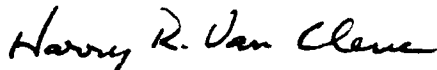
With regard to the current contract, to the extent Billington is alleging that TAYKO is not financially responsible, we point out that implicit in the award of a contract to an offeror is an affirmative determination of responsibility which would include consideration of financial capability and resources. This Office

*[Protest of Air Force Contract Award]*  
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does not review such determination except under circumstances not applicable here. Federal Sales Service, Inc., B-196624, February 6, 1980, 80-1 CPD 101; Systems Development Corporation, B-191195, August 31, 1978, 78-2 CPD 159. Concerning future contracts, a similar determination of responsibility would be necessary. Defense Acquisition Regulation § 1-904.1 (DAC # 76-15, June 1, 1978).

Furthermore, we note that the issue of TAYKO's indebtedness to Billington under a subcontract for work performed is essentially a dispute between two private parties which is not appropriate for resolution in a bid protest filed with this Office. Systems Development Corporation, supra.

The protest is dismissed.

  
Harry R. Van Cleve  
Acting General Counsel